

PATENT
Serial No. 09/817,971
Amendment in Reply to Office Action dated December 14, 2005
and Advisory Action dated April 12, 2006

REMARKS

This Amendment is being filed in response to the Final Office Action dated December 14, 2005 and the Advisory Action that dated April 12, 2006, each of which have been reviewed and carefully considered.

Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

The Applicants would like to thank the Examiner for the indication in the Advisory Action that Claims 1-18, 21-29, 32, 33, 36, and 39-41 are allowed.

In the Advisory Action, Claims 11, 21, 22, 23, 32, 33, 36, and 39 are objected to for various informalities. In response, Claims 11, 21, 22, 23, 32, 33, 36, and 39 have been amended to correct the various informalities noted by the Examiner. It is respectfully submitted that the objection of Claims 11, 21, 22, 23, 32, 33, 36, and 39 have been overcome and an indication as such is respectfully requested. Claims 11, 21, 22, 23, 32, 33, 36, and 39 were not

PATENT
Serial No. 09/817,971
Amendment in Reply to Office Action dated December 14, 2005
and Advisory Action dated April 12, 2006

amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents.

In the Office Action, it is alleged that the amendments to Claims 19 and 20 that were submitted in an amendment on March 14, 2006 raise new issues and new matter. Specifically, the Office Action alleges that "[t]he specification does not provide support or describe a computer readable medium as being recited in claim 19 and 'a signal embedded in a modified transport stream configured to record -' as being recited in claim 20."

Since this is now being considered under an RCE, it is respectfully submitted that the indication of new issues is moot, although the Applicants nonetheless respectfully dispute this position. In addition, the applicants respectfully traverse the indication that "computer readable medium" as recited in Claim 19 and "signal embedded" and "configured to record" as recited in Claim 20 is new matter.

Claim 19 as submitted designated a recording medium. FIG. 1 shows such a recording medium as optical disk 3. Page 7, lines 7-8

PATENT

Serial No. 09/817,971

Amendment in Reply to Office Action dated December 14, 2005
and Advisory Action dated April 12, 2006

makes clear that "[t]he apparatus [of the present system] comprises an input terminal 1 for receiving a digital video signal to be recorded on optical disc 3." Thereafter, the specification makes even more clear continuing on page, lines 28-32 that (emphasis provided) "[t]he apparatus generally comprises signal processing units, a read/write unit including a read/write head configured for reading from/writing to optical disc 3. Actuators position the head in a radial direction across the disc, while a motor rotates the disc. A microprocessor is present for controlling all the circuits in known manner." It is respectfully submitted that a microprocessor is also known in the art as a computer and accordingly, no new matter was presented. It is further respectfully submitted that Claim 20 as presented is proper. However, in the interest of expediting consideration and allowance of the claims, Claims 19 and 20 are amended rendering the rejection thereof moot. Claim 19 now requires in part a "microprocessor readable recording medium comprising a modified transport stream configured to record wanted content ..." It is respectfully submitted that this presentation of claim elements is well support

PATENT
Serial No. 09/817,971
Amendment in Reply to Office Action dated December 14, 2005
and Advisory Action dated April 12, 2006

by the specification as detailed above.

Claim 20 now requires in a part a "modified transport stream embedded in a signal, said modified transport stream being for recording on a recording medium to record wanted content of a selected audio-visual program ..." It is respectfully submitted that this presentation of claim elements is well supported for example, in FIG. 5. and the accompanying description beginning on page 15 line 2 and continuing thereafter.

Claims 19-20 have been amended and overcome the position raised of new issues and new matter. Accordingly, withdrawal of this position is respectfully requested. It is respectfully submitted that Claims 19 and 20 were merely amended herein to expedite consideration and allowance of the subject matter contained therein and not in order to address issues of patentability. Accordingly, Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents.

On page 3 of the Advisory Action, it is stated that headings in the specification are not provided in the specification. Applicants understand that this is a statement of fact as opposed

PATENT

Serial No. 09/817,971

Amendment in Reply to Office Action dated December 14, 2005
and Advisory Action dated April 12, 2006

to a statement of a requirement as previously raised in the Office Action mailed on December 14, 2005 on pages 5-6. Applicants acknowledge that the specification contains no section headings and continue to decline to add the headings as they are not required in accordance with 37 CFR 1.77(b) nor MPEP §608.01(a) as previously submitted.

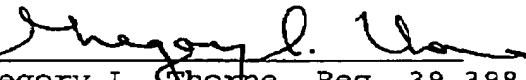
In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

PATENT
Serial No. 09/817,971
Amendment in Reply to Office Action dated December 14, 2005
and Advisory Action dated April 12, 2006

It is believed that no additional fees or charges are currently due beyond the one month extension of time fee to be charged to the credit card as noted by the enclosed authorization. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

Respectfully submitted,

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